

PATUNAS LAW LLC

Michael E. Patunas
mpatunas@patunaslaw.com

CONFIDENTIAL – FILED UNDER SEAL

June 14, 2017

VIA ECF

Honorable Stanley Chesler, U.S.D.J.
United States District Court
District of New Jersey
MLK, Jr. Federal Bldg. and U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

**Re: *Impax Laboratories, Inc. v. Actavis Laboratories FL, Inc. et al.*
Civil Action No. 15-6934 (SRC)(CLW)**

Dear Judge Chesler:

Re: *Impax Laboratories, Inc. v. Actavis Laboratories FL, Inc. and Actavis Pharma Inc.*, Civil Action Nos. 15-6934, 17-3295 (SRC/CLW)

Dear Judge Chesler:

This firm, together with Kirkland & Ellis LLP, represents Plaintiff Impax Laboratories, Inc. in the above-referenced matters. On behalf of the parties, we enclose for the Court's consideration a proposed order consolidating the actions and adjusting the case schedule to accommodate this consolidation.

[REDACTED] To facilitate the consolidation and efficient resolution of the two actions, [REDACTED]

The parties' agreement to consolidate the actions, [REDACTED]

PATUNAS LAW LLC

Hon. Stanley R. Chesler, U.S.D.J.

August 1, 2016

Page | 2

Finally, due to the confidential nature of the information [REDACTED] the parties have filed this letter and Consent Order under seal. The parties respectfully request that the Consent Order, when executed, not be filed publicly on the docket. The parties will file a redacted version of this letter and the Consent Order, as well as a motion to seal, as required by Local Civil Rule 5.3.

We appreciate the Court's consideration.

Respectfully,

s/Michael E. Patunas

Michael E. Patunas

cc: All Counsel (via ECF and email)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

IMPAX LABORATORIES, INC.,)	
)	
Plaintiff,)	
)	Civil Action No.
v.)	2:15-CV-06934-SRC-CLW
)	
ACTAVIS LABORATORIES FL, INC. and)	
ACTAVIS PHARMA INC.,)	
)	
Defendants.)	

IMPAX LABORATORIES, INC.,)	
)	
Plaintiff,)	Civil Action No.
)	2:17-cv-03295-SRC-CLW
v.)	
)	
ACTAVIS LABORATORIES FL, INC. and)	
ACTAVIS PHARMA INC.,)	<i>CONFIDENTIAL—FILED UNDER</i>
)	<i>SEAL</i>
Defendants.)	

**CONSENT ORDER OF CONSOLIDATION FOR ALL PURPOSES
AND SCHEDULING ORDER**

WHEREAS, on May 9, 2017, Plaintiff Impax Laboratories, Inc. filed suit against Defendants Actavis Laboratories FL, Inc. and Actavis Pharma Inc., (collectively, “Actavis”) in Civil Action No. 2:17-cv-03295-SRC-CLW (the “May 9, 2017 Action”);

WHEREAS, the May 9, 2017 Action is related to Civil Action No. 15-CV-06934 (the “Lead Action”) in that the May 9, 2017 Action and the Lead Action involve the same drug, namely RYTARY® and patents listed in the Orange Book for this drug and that the patent asserted in the May 9, 2017 action is in the same patent family as patents asserted in the Lead Action;

WHEREAS, [REDACTED];

WHEREAS, [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

WHEREAS, consolidating these matters would promote convenience and economy in judicial administration if the actions were heard in one proceeding, and that consolidating these actions would help avoid duplication of effort;

WHEREAS, counsel for all parties named in the above-captioned matters has consented to the consolidation of the above-captioned matters for all purposes;

WHEREAS, the Court, having reviewed the parties' proposed schedule, has determined that the proposed schedule allows the Court sufficient time to reasonably resolve the issues in dispute prior to [REDACTED]

WHEREAS, good cause appearing for the entry of the within Order:

IT IS on this ____ day of _____ 2017,

ORDERED that the May 9, 2017 Action shall be, and is hereby, consolidated for all purposes under the Lead Action, Civil Action No. 15-CV-06934; and it is

FURTHER ORDERED that all subsequent filings shall be made in the Lead Action, Civil Action No. 15-CV-06934; and it is

FURTHER ORDERED that Civil Action No. 2:17-cv-03295 shall be terminated for administrative purposes; and it is

FURTHER ORDERED that the following deadlines shall apply to the Lead Action in order to align the schedules in the May 9, 2017 Action with the now consolidated Lead Action:

Description	Current Deadline	Proposed Deadline
Defendants file Answer to '046 Complaint	n/a	6/21/2017
Plaintiff disclosure of asserted claims of '046 patent	n/a	6/21/2017
Defendants to serve non-infringement and invalidity contentions for '046 patent	n/a	7/11/2017
Plaintiff to serve infringement contentions and response to invalidity contentions for '046 patent	n/a	7/28/2017
Opening expert reports on claims and defenses for which the party bears the burden of proof (limited to '046 patent)	n/a	8/18/2017
Rebuttal expert reports (all patents)	7/7/2017	9/8/2017
Reply expert reports (limited to secondary considerations)	7/21/2017	9/22/2017
Close of expert discovery	8/11/2017	10/13/2017
Deadline to file dispositive motions	8/21/2017	10/23/2017
Pretrial conference	TBD	TBD
Trial	TBD	TBD

IT SO ORDERED this _____ day of _____ 2017.

Hon. Stanley R. Chesler, U.S.D.J.